

# Whistleblowing Policy & Procedure

Descriptor	Changes made	Date	Version
Policy first implemented	-	2010	0.1
Review no.1	Updates made to ensure policy references and other terminology up to date	August 2021	0.2
Review no.2			
Review no.3			

Name of policy being superseded (if applicable)	
Related policies	Disciplinary Policy Code of Conduct Early Concerns & Grievance Policy Fraud and Financial Irregularity Policy Records Management Policy
Related SOPs	
Related Guidance	Whistleblowing Guidance for Managers Fraud and Financial Irregularity Response Plan
Equality Impact Assessment completed	Yes
Intended Audience	All Colleagues
Team responsible for policy	HR
Policy owner contact details (email)	<a href="mailto:Luke.hopkin@sds.co.uk">Luke.hopkin@sds.co.uk</a>
Policy due for review (date)	August 2024

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## Policy summary

If you feel you have information regarding any criminal acts or breaches of legislation within SDS the Whistleblowing Policy and Procedure and explains how you can raise these and how SDS will respond. Concerns can be raised anonymously and will be taken seriously by the organisation. Colleagues raising concerns via the Whistleblowing Policy and Procedure will be protected from victimisation as a result of raising concerns.

## **Whistleblowing Policy & Procedure - Foreword**

Whistleblowing is defined as 'a concern raised by a worker about wrongdoing, risk or malpractice to someone in authority either internally and/or externally'.

SDS is committed to ensuring we adhere to the highest standards expected of a publicly funded body which serves the people and businesses of Scotland. This means we need to ensure we all operate with honesty, integrity and openness which is in line with the ambitions for our organisation's culture and underpinned by our corporate values. Colleagues across SDS should feel confident that they can safely raise concerns without reprisal or discrimination. Whistleblowing is therefore essential to safeguard the integrity of the organisation, our employees, the wider public and to ensure the successful delivery of our products and services.

Whistleblowing, or raising a concern, is seen by SDS as an important source of information that may highlight serious risks, potential fraud or corruption. As the "eyes and ears" of the organisation, colleagues are often best placed to identify deficiencies and problems before any damage is done and can often be the only reliable source of information.

This Whistleblowing Policy and Procedure fully outlines the process which employees (or other workers) should follow to raise issues relating to suspected malpractice, risk, abuse or wrong-doing and is integrally linked to the organisation's Code of Conduct which brings together the essential standards of behaviour that guide our individual actions.

Please review the Policy if you wish to raise a concern about any issue you consider is within its scope. I would emphasize that you are encouraged to do so in the knowledge that these matters will be listened to and treated with respect, without reprisal or discrimination.

Carolyn Anderson  
Director of Human Resources

## 1. Policy purpose and objectives

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All employees and others acting for, or on behalf of, the organisation are encouraged to speak to their manager or Director of Finance, Information Governance, Resilience and Risk and use the Whistleblowing Policy to report:

- any suspected bribery
- concerns that other employees or associated persons may be being bribed
- concerns that other employees or associated persons may be bribing third parties, such as clients, contractors, consultants or government officials
- fraudulent reporting or misreporting of performance data
- misuse of funds or other resources

The Whistleblowing Policy may also be used to report any kind of dishonest behaviour.

The benefits and aims of this policy are therefore to:

- Encourage employees to raise concerns about malpractice within the organisation without fear of reprisal
- To reassure that all concerns will be taken seriously
- To provide information about how to raise your concerns and explain how the organisation will respond
- To deter wrongdoing
- Identify and resolve problems early
- Demonstrate a culture of openness and honesty to staff, customers and stakeholders in order to maintain and enhance the reputation of SDS

The policy is designed to deal with concerns raised in relation to issues which fall out with the scope of other SDS policies and procedures (eg grievance, harassment, etc.).

If an employee raises malicious, vexatious or knowingly untrue concerns in order to harm colleagues or their department, they may be subject to disciplinary action up to and including dismissal.

## 2. Strategic context

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The Public Interest Disclosure Act 1998 amended the Employment Rights Act 1996 to provide protection for employees who raise legitimate concerns about specified matters. These are called "qualifying disclosures". A qualifying disclosure is one made by an employee who has a reasonable belief that:

- A criminal offence
- a miscarriage of justice
- an act creating risk to health and safety
- an act causing damage to the environment
- a breach of any other legal obligation; or
- concealment of any of the above

is being, has been, or is likely to be committed and their disclosure is being made in the public interest. It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be committed - a reasonable belief is sufficient. The employee has no responsibility for investigating the matter - it is the organisation's responsibility to ensure that an investigation takes place.

All employees should be aware of SDS's Fraud and Financial Irregularity Policy and report signs of fraud, theft or corruption to their line manager, the SDS Fraud Response Coordinator or, by using the Whistleblowing Policy.

### 3. Definitions

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Whistleblowing is defined as 'a concern raised by a worker about wrongdoing, risk or malpractice to someone in authority either internally and/or externally'.

### 4. Scope

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Skills Development Scotland (SDS) is committed to the highest standards of honesty, openness and accountability. As employees, we all have an important role to play in achieving this goal. It is important to the organisation that any fraud, misconduct or wrongdoing by workers or officers of the organisation is reported and properly dealt with.

This policy applies to all employees however other individuals performing functions in relation to SDS, such as agency workers, and contractors, are encouraged to use it.

### 5. Policy detail

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Whistleblowing Procedure:

#### **How to Raise Your Concern**

In the first instance, and unless the employee reasonably believes their manager to be involved in the wrongdoing, any concerns should be raised with their manager. If they believe the line manager to be involved, then the employee should proceed to report it to their Director's Group member or another senior manager. If they feel unable to do this then they may contact the Director of Finance, Information Governance, Resilience and Risk or a Board Member (Chair of the Audit Committee).

Concerns may be raised orally or in writing and employees are encouraged to do so at an early stage. Concerns may also be raised in confidence via the appropriate e-mail address to the Director of HR, details can be found on [Connect](#). If you are making a 'qualifying disclosure' in the public interest, you are encouraged to use the associated Whistleblowing Form. The organisation will then arrange for a full investigation to be carried out and will ensure this commences as quickly as possible. Investigations will be

conducted in line with the principles set out in the relevant policy & procedure which may include, but is not limited to, one of the following policies: Discipline, Early Concerns & Grievance or Fraud and Financial Irregularity Policy. It should be noted that due to their nature, concerns raised through whistleblowing may require the involvement of those with specialist knowledge or consideration of a large amount of material and therefore the investigation may take longer. The employee will be kept informed of the progress of the investigations and, if appropriate, the final outcome.

If on conclusion of previous stages, the employee reasonably believes that the appropriate action has not been taken, they retain an entitlement to report the matter in line with the Government guidance referred to below.

In some cases, employees are not obliged to make a disclosure to SDS in the first instance. However, for a disclosure to be protected in such circumstances, certain conditions will have to be met.

## **Safeguards**

An employee who raises a genuine concern will not be at risk of damaging their position as a result. SDS will not tolerate the victimisation of anyone raising a genuine concern and anyone responsible for such conduct will be subject to disciplinary action.

You are encouraged to give your name when raising concerns. Although concerns raised anonymously will be treated with the same seriousness this may, from a practical perspective, make them more difficult to investigate.

In considering concerns raised, the organisation will take the following into account:

- the seriousness of the issues raised
- the credibility of the concern
- the likelihood of confirming the allegation from other sources

You may decide that you want to raise a concern in confidence. Therefore, if you ask for your identity to be protected, it will not be disclosed without your consent. If a situation arises where it is not possible to deal with the concern without revealing your identity, there will be a discussion as to whether and how we can proceed.

Employees may seek advice and support from their manager or an HR representative. If the employee is a member of a trade union, they may wish to seek advice and support from their TU representative before raising concerns. Externally, all employees are also able to obtain free legal and confidential advice from SDS' Employee Assistance Programme. The Whistleblowing charity Public Concern at Work (<http://www.pcaw.org.uk/>) and the ACAS national helpline are also available for legal advice.

Anyone who abuses the procedure (for example by maliciously raising a concern they know to be untrue) will be subject to disciplinary action. Please note that if external parties (or anyone else out with the organisation) wish to raise an issue with regards to their contact with SDS, they should be encouraged to use our complaints procedure.

## 6. Further guidance


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For further guidance please consult:

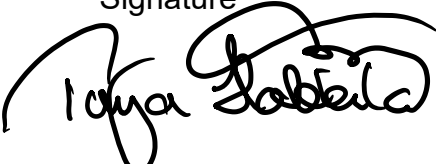
<https://www.gov.uk/whistleblowing> or contact Public Concern at Work (<http://www.pcaw.org.uk/>).

More information is also contained within the [Whistleblowing guidance for managers and investigators](#) and support can be obtained via the [HR Case Team](#) who can provide guidance on individual situations.

Policy jointly agreed:

<b>SDS</b>		
Print Name	Signature	Date
Carolyn Anderson		30 <sup>th</sup> August 2021

<b>Unison</b>		
Print Name	Signature	Date
Derek Cheyne		24/8/21

<b>PCS</b>		
Print Name	Signature	Date
Tinja Hakkila		23/8/21